

Application No.: 10/022,558
Filing Date: December 14, 2001

REMARKS

The foregoing amendments and the following remarks are responsive to the October 3, 2007 Office Action. Claims 1 and 38 are amended, Claims 2-14, 16-37, and 39-49 remain as originally filed, Claim 15 remains as previously presented, and Claims 50 and 51 were previously cancelled without prejudice. Thus, Claims 1-49 are presented for further consideration.

Response to Rejection of Claims 1, 3-21, 26-29, and 32-49 Under 35 U.S.C. § 102(e)

In the October 3, 2007 Office Action, the Examiner rejects Claims 1, 3-21, 26-29, and 32-49 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0152117 of Cristofalo et al. (“Cristofalo”). Applicants respectfully submit that Cristofalo does not anticipate Claims 1, 3-21, 26-29 and 32-49 for at least the following reasons.

Claims 1, 3-21, 26-29, and 32-37

As described herein, Applicants have amended Claim 1 to recite (emphasis added):

1. An audiovisual system for use with a display device for displaying an audiovisual advertisement to a user, the audiovisual system comprising:

a storage subsystem adapted to receive and store audiovisual advertising segments and to retrieve and transmit stored audiovisual advertising segments, each audiovisual advertising segment having metadata indicative of the audiovisual advertising segment;

a preference determination module coupled to the storage subsystem, the preference determination module responsive to user input and to the metadata to generate one or more user profiles, each user profile indicative of characteristic viewing preferences of a corresponding user; and

a system controller coupled to the storage subsystem, the system controller responsive to the metadata and to the user profile corresponding to the user to form a complete multi-segment audiovisual advertisement comprising a plurality of audiovisual advertising segments by selecting and retrieving a plurality of stored audiovisual advertising segments from the storage subsystem and **dynamically assembling the retrieved plurality of stored audiovisual advertising segments in an appropriate order with the segments sequential to one another to form the complete multi-segment audiovisual advertisement**, wherein each of the segments is directed to a common subject of the complete multi-segment advertisement, whereby the plurality of stored audiovisual advertising segments is selected to tailor the complete multi-segment audiovisual advertisement to the characteristic viewing preferences of the user.

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Applicants submit that amended Claim 1 is fully supported by the present application as originally filed, including but not limited to, paragraphs [0029], [0047]-[0052], and [0057]-[0066], and Figures 5 and 6.

Applicants submit that Cristofalo does not disclose or suggest all the features of amended Claim 1. For example, Cristofalo does not disclose or suggest “a system controller ... dynamically assembling the retrieved plurality of stored audiovisual advertising segments in an appropriate order with the segments sequential to one another to form the complete multi-segment audiovisual advertisement, wherein each of the segments is directed to a common subject of the complete multi-segment advertisement,” as recited by amended Claim 1. A specific example embodiment within the scope of amended Claim 1 is described by the specification at paragraphs [0048]-[0049], which describe a plurality of stored audiovisual advertising segments being dynamically assembled with the segments sequential to one another to form a complete multi-segment advertisement.

In contrast, Cristofalo discloses interchangeable media objects which are selectively displayed concurrently with one another to create an overall commercial. (*See, e.g.*, paragraphs [0017], [0035], [0041], and [0047].) While Cristofalo discloses a user profiling system that may select the media objects in conformance with a user profile, Cristofalo does not disclose or suggest “assembling the retrieved plurality of stored audiovisual advertising segments **in an appropriate order with the segments sequential to one another** to form the complete multi-segment audiovisual advertisement,” as recited by amended Claim 1.

For at least the reason that Cristofalo does not disclose or suggest every feature recited by amended Claim 1, Applicants submit that amended Claim 1 is patentably distinguished over Cristofalo. Each of Claims 3-21, 26-29, and 32-37 depends either directly or indirectly from amended Claim 1, so each of Claims 3-21, 26-29, and 32-37 includes all the features of amended Claim 1 as well as other features of particular utility. Therefore, Claims 3-21, 26-29, and 32-37 are patentably distinguished over Cristofalo for at least the reasons set forth above with respect to amended Claim 1. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 3-21, 26-29, and 22-37 and pass these claims to allowance.

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Claim 38-49

Amended Claim 38 is patentably distinguished over Cristofalo at least for reasons similar to those set forth above with respect to the patentability of amended Claim 1. For at least the reason that Cristofalo does not disclose or suggest all the features recited by amended Claim 38, Applicants submit that amended Claim 38 is patentably distinguished over Cristofalo. Each of Claims 39-49 depends either directly or indirectly from amended Claim 38, so each of Claims 39-49 includes all the features of amended Claim 38 as well as other features of particular utility. Therefore, Claims 39-49 are patentably distinguished over Cristofalo for at least the reasons set forth above with respect to amended Claim 38. Applicants respectfully request that the Examiner withdraw the rejection of Claims 38-49 and pass these claims to allowance.

Response to Rejection of Claims 2, 22-25, 30, and 31 Under 35 U.S.C. § 103(a)

In the October 3, 2007 Office Action, the Examiner rejects Claims 2, 22-25, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Cristofalo. As discussed above, Applicants submit that amended Claim 1 includes features that are not disclosed or suggested by Cristofalo. Each of Claims 2, 22-25, 30, and 31 depends indirectly from amended Claim 1, so each of Claims 2, 22-25, 30, and 31 includes all the features of amended Claim 1 as well as other features of particular utility. Therefore, Claims 2, 22-25, 30, and 31 are patentably distinguished over Cristofalo for at least the reasons set forth above with respect to amended Claim 1. Applicants respectfully request that the Examiner withdraw the rejection of Claims 2, 22-25, 30, and 31 and pass these claims to allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Summary

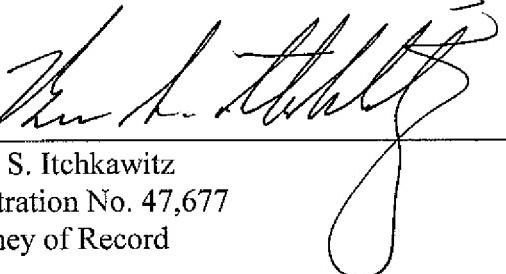
For at least the foregoing reasons, Applicants submit that Claims 1-49 are in condition for allowance, and Applicants respectfully request such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 12/21/07

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